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March 7, 2022

VIA ECF

Hon. Gabriel W. Gorenstein
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

MEMORANDUM ENDORSED

Re: L.T., et al. v. Harlem Children's Zone, Inc., et al.
No. 21 CV 1367 (PAE) (GWG)

Dear Judge Gorenstein:

I am an Assistant Corporation Counsel in the Office of the Corporation Counsel, attorney for the New York City Department of Education ("DOE"), New York City Board of Education ("BOE"), and former Chancellor Richard Carranza (collectively, the "DOE Defendants"), in the above-referenced action. In accordance with Your Honor's Standing Order Applicable to Telephonic Settlement Conferences, I write to respectfully request an adjournment of the settlement conference scheduled in this matter from March 14, 2022 at 10:00am to April 27, 2022 at 10:00am.¹ I have conferred with counsel for Plaintiff and co-Defendants, and confirmed that this date and time are agreed to by all parties.

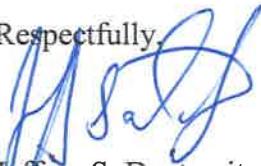
In their 237-paragraph First Amended Complaint (dkt. no. 14), Plaintiffs assert claims under the Individuals with Disabilities Education Improvement Act ("IDEA"), 20 U.S.C. § 1400, et seq. and Section 504 of the Rehabilitation Act against DOE Defendants, a charter School (Promise Academy) and the charter school's operator (Harlem Children's Zone). Central to Plaintiffs' claims are allegations that the Plaintiff student did not receive services required by his IEP and was therefore denied a free appropriate public education, and the student's alleged expulsion from the charter school and the resulting impact on the student.

¹ Unfortunately, various scheduling conflicts prevented an adjournment to the earlier dates proposed by Chambers.

Plaintiff has provided Defendants with a settlement proposal that does not apportion the proposed compensation as between the private and municipal defendants. In order for each set of Defendants to assess that proposal, they must first investigate Plaintiffs' allegations and determine for themselves the appropriate allocation of any settlement. Unfortunately, DOE Defendants' investigation of Plaintiffs' allegations took longer than expected, and I have not yet obtained authority from the Comptroller's Office to resolve this matter. Thus, although DOE Defendants have had very preliminary discussions with both Plaintiffs' counsel and counsel for the HCZ Defendants, Defendants are not yet in a position to have a meaningful settlement conference.

Accordingly, with the consent of all parties, DOE Defendants respectfully request that the settlement conference scheduled for March 14, 2022 be adjourned to April 27, 2022 at 10:00am to allow the parties additional time to develop their settlement positions and attempt to resolve this matter without court intervention.

Thank you for your consideration of the foregoing.

Respectfully,

Jeffrey S. Dantowitz
Assistant Corporation Counsel

cc: All counsel of record
(via ECF)

Settlement conference adjourned to April 27, 2022 at 10 a.m. Submissions due April 21, 2022.

So Ordered.



GABRIEL W. GORENSTEIN
United States Magistrate Judge

March 8, 2022